

STATE OF TENNESSEE  
CIRCUIT COURT OF BLOUNT COUNTY



NEW MIDLAND PLAZA ASSOCIATES,  
A Tennessee General Partnership,  
MARTIN E. O'BOYLE, et al.,

Plaintiffs,

v.

FIRST UNION NATIONAL BANK,  
et al.,

Defendants.

CIVIL ACTION NO. E-18053

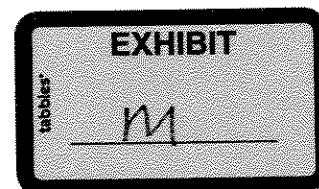
JUDGMENT ORDER

This matter came before the Court for hearing on December 14, 2005, on various motions including Plaintiffs' *Motion to Set Aside, Alter or Amend the Interlocutory Order Entered on December 15, 2004, Regarding Acceptance of the Special Master's Recommendations for Summary Judgment* ("Motion to Set Aside"). Based upon the Court's review of the record, it is ORDERED that the Motion to Set Aside is DENIED; and it is further ORDERED, ADJUDGED and DECREED that judgment is entered in favor of Defendants and against Plaintiffs on all claims and that the Plaintiffs' Third Amended Complaint is dismissed, with prejudice.

Costs in this matter are taxed to the Plaintiffs, c/o Martin E. O'Boyle, 1280 West Newport Center Drive, Deerfield Beach, Florida 33442 and his surety Kizer and Black, 329 Cates Street, Maryville, Tennessee 37801, for which execution may issue if necessary.

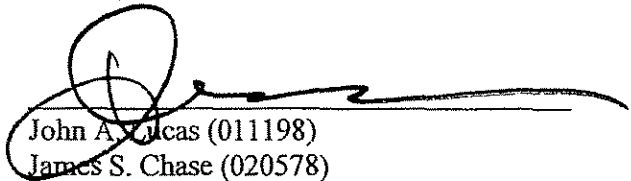
ENTERED this 14<sup>th</sup> of December, 2005.

  
Honorable W. Dale Young



SHU-00230

**APPROVED AS TO FORM BY:**

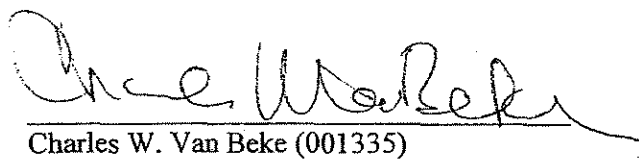


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Counsel for David Fraimow

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been mailed to all parties or their counsel, by depositing same in the U.S. Mail, first class postage prepaid, this the 15th day of December, 2005.

JAMES A. CARROLL

BY: 

SHU-00231